

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUAN BOU,

Plaintiff,

07 Civ. 6691 (JSR)

-V-

ORDER

THE CITY OF NEW YORK, THE NEW YORK  
CITY POLICE DEPARTMENT, AND POLICE  
OFFICER WHITEMAN OF THE PS 8 COMMAND,

Defendants.

JED S. RAKOFF, U.S.D.J.

Plaintiff's counsel failed to appear at the initial pre-trial conference held on October 11, 2007, despite being ordered to do so. Additionally, defendants' counsel, who was present, represented that plaintiff had not yet effected service on all defendants. See transcript, 10/11/07. Accordingly, plaintiff's complaint is hereby dismissed for failure to prosecute, without prejudice to plaintiff's counsel submitting to this Court, on or before October 25, 2007, a sworn affidavit explaining, if he can, his failure to appear and his apparent failure to effectively complete service. If such affidavit is submitted and it satisfactorily explains these defalcations, the Court will convene a new pretrial conference. If not, the Clerk will be directed to enter final judgment.

SO ORDERED.

Dated: New York, NY  
October 11, 2007

JED S. RAKOFF, U.S.D.J.

